

PRELIMINARY REVIEW POLICY AND PROCEDURES
CITY OF ST. LOUIS PRESERVATION BOARD
ADOPTED MARCH 24, 2014

Ordinance 64689, as amended by Ordinance 64932, sets forth the opportunity for the Preservation Board to conduct a Preliminary Review.

SECTION FORTY. Preliminary design review of proposed construction or Exterior Alterations: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site. The Preservation Board may establish procedures for preliminary design review by the Cultural Resources Director and the staff of the Cultural Resources Office of proposed construction or Exterior Alterations where Landmark or Historic District standards may be expected to apply. If, after a preliminary design review as above, an application for permit is received by the building commissioner which conforms to the plans and specifications as approved at the preliminary design review, the building Commissioner may issue the permit.

Introduction

This document clarifies the types of proposals that the Preservation Board will consider in a Preliminary Review, as well as other policies and procedures of the Board and the Cultural Resources Office regarding such reviews. This policy is intended to make a Preliminary Review a useful tool for the property owner and the City and, by clarifying procedures and setting forth the scope, duration, and applicability of the decisions of Preliminary Reviews.

As set forth in Ordinance 64689, a Preliminary Design Review, hereafter referred to as "Preliminary Review," may be requested for proposed construction, demolition, or exterior alterations. Section 40 (quoted above) states that such a review may take place where Landmark or Historic District standards apply. Approval of a project at the Preliminary Review stage constitutes a general directive to the Cultural Resource Office to convey its approval to the Building Commissioner for the issuance of a Building Permit, *if* the project conforms to the plans and specifications as approved by the Preservation Board in the review.

A Preliminary Review approval indicates support for the project at the time it was presented. The commonly understood definition of "preliminary" is that it is an action or event preceding something more complete or definitive. It is an introductory, or exploratory, review and approval. It is understood that factors within, or outside, the purview of the Preservation Board could subsequently alter the perception of the proposed action meeting the applicable standards or criteria. The Director of the Cultural Resources Office may require a subsequent Preliminary Review if changes to the proposal that indicate that a subsequent review is necessary. In summary, a

Preliminary Review is a good-faith review and approval or denial of a major proposed action, but does not ensure final project approval.

Section I. Preliminary Review: Description and Process

The Preservation Board conducts a Preliminary Review as an agenda item at one of its public meetings. It considers the historic district or landmark standards pertaining to the proposed action and, if pertinent, demolition review criteria. The Board reviews information provided by the applicant, including financial information, proposed designs, and reasons for the proposed actions. At a public Preservation Board meeting, the Board also hears testimony from members of the public and considers communications received by the Cultural Resources Office regarding the proposal.

The Preservation Board may consider such applications in light of the relevant Historic District Plan and Historic District Standards with respect to the intent of the ordinance, the effect of such proposed construction, alteration or demolition on the significant features or characteristics of the Historic District, or, if applicable, Landmark or Landmark site, which were the basis for the Historic District or Landmark or Landmark site designation.

After due consideration of the evidence, including opinions of those providing commentary on the proposal, review of the standards and criteria pertaining to the project, and recommendation of the Cultural Resources Office, the Board may grant or withhold preliminary approval of the action(s). The Board may approve all or part of the proposal; it may qualify its approval with one or more stipulations to be met prior to the Cultural Resources Office's recommendation for the issuance of a building or demolition permit. The Board may also delay making a determination on the proposal, and request that more consideration be given to one or more aspects of the proposal, or that more consultation take place.

Only the Preservation Board conducts Preliminary Reviews that result in clear direction for the support, or lack of support, for a proposal. While the Cultural Resource Office meets with project proponents at various stages in project planning and design, it does not conduct Preliminary Reviews in terms of Ordinance 64689.

Section II. Applicability

A Preliminary Review is appropriate for some types of projects and unnecessary for others. A Preliminary Review is considered appropriate for projects and proposals in which there are distinctive design elements, considerable design development costs, lack of clear direction in pertinent standards, or for which the approval of demolition is desired. As the Preliminary Review is conducted at a Preservation Board meeting, the underlying assumption that the proposal warrants public comment and consideration is another factor considered in determining if a Preliminary Review should take place. A

Preliminary Review is not intended to be used for a straightforward, small alteration for which there is clear direction of the applicable standards.

Possible Preliminary Review: New Construction

The Preservation Board reviews all new construction in a local historic district or on a landmark site. This review can be conducted as a Preliminary Review or take place at the time a Building Permit is applied for. A Preliminary Review may be conducted when the proposed design is sufficiently developed so that the Board has a firm proposal to review. Preliminary Review should not be considered as part of a design-build process. Exterior materials review should be included for all projects other than single-family dwellings and for buildings of that type if the Cultural Resources Office staff requests it.

Alterations to a design approved by the Preservation Board may require the altered design to return to the Preservation Board for approval. The Cultural Resources Office shall not approve a proposal that has received approval by the Board following a Preliminary Review **and** has been subsequently altered to the extent that it does not meet the applicable standards and/or is significantly different from the proposal as approved by the Board at the Preliminary Design Review.

Possible Preliminary Review: Demolition

The Preliminary Review of demolition is recommended when a building is protected by its status by law as set forth in St. Louis City Ordinances. These properties include those located in Local Historic Districts, properties listed in the National Register of Historic Places or within districts listed in the National Register, as well as those located in Preservation Review Districts, which are afforded this level of demolition review. The Cultural Resource Office's Director's approval of the demolition of Merit and High Merit buildings, as defined by Ordinance 64689, is limited by that ordinance and criteria in Local Historic District Standards.

The consideration of subsequent new construction is a demolition review criteria in Ordinance 64689 and 64832, and shall be considered for all properties in Preservation Review Districts at the time of demolition review. Nevertheless, the ranking of the criteria in the ordinances by significance indicates that the significance of the building and other factors must be considered as much or more significant than subsequent new construction. The Preservation Board shall consider factors beyond the fact that a proposed new building meets any other City requirements for new construction. For instance, just because a new building meets the requirements for new construction in a Form Based Zoning District does not mean that the proposed new construction would necessarily be considered as construction that "would equal or exceed the contribution of the structure to the integrity of the existing streetscape and block face." (See Appendix B.)

Alternatively, the project proponent may apply for a demolition permit, which would be reviewed by the Cultural Resources Office per the applicable demolition review criteria. If the application for a demolition permit is denied and the owner appeals the denial,

the Preservation Board would consider the appeal on the record, and render a final decision as defined in chapter 536 of the Revised Statutes of the State of Missouri, instead of holding a Preliminary Review. See Appendix A for the section of Ordinance 64925 regarding the appeal of such a decision.

Possible Preliminary Review: Exterior Changes

A Preliminary Review may be requested for an addition that is large enough to have a significant impact on the streetscape of an historic district or individual building.

A Preliminary Review may be requested for a project for which there is no clear guidance in historic district or landmark standards.

Excluded from Preliminary Review

A Preliminary Review generally will not be scheduled for an alteration project that does not meet clear guidance in historic district or landmark standards, unless there are unusual circumstances that shall be determined by the Director of the Cultural Resources Office.

Section III. Timing and Integration into Project Planning

A Preliminary Review shall be integrated into project planning that proceeds from the general to the specific in terms of reviews and approvals from City Offices and Boards.

If a project proposed for a Preliminary Review requires approvals and actions from other Boards and Offices of the City of St. Louis, the project proponent shall schedule a consultation meeting with the Cultural Resources Office to consider the broader approvals and reviews necessary in the planning for the project. The Preservation Board does not wish to review a project prior to the receipt of more general approvals or variances that are necessary.

The Cultural Resources Office and project proponent shall review actions to be taken by other City Departments and Boards, such as changes to zoning changes and re-platting, negotiation of a redevelopment plan to be adopted by ordinance, as well as environmental reviews and Section 106 consultation, which may be necessary for the applicant's project to proceed. In order that the project planning and approvals proceed from the general to the specific, the Director of the Cultural Resources Office shall advise the project proponent when it is time for the Preservation Board to hold the Preliminary Review.

This approach allows the applicant to report on other reviews and approvals that have been received or are pending at the time of hearing at the Preservation Board meeting.

Section IV. Period of Preliminary Approval

A Preliminary Review shall take place during active project planning and the decision of a Preliminary Review has a limited period of applicability.

The applicant shall affirm on the application for a Preliminary Review that the proposed work is in an active stage of development and provide a time period for project implementation. The Director of the Cultural Resources Office shall consider this timetable when scheduling a Preliminary Review for Preservation Board consideration.

In order that a Preliminary Review be based on timely and current information, as well as the standards and review criteria, the approval of a Preliminary Review shall no longer be valid after set periods of time, after which the applicant may request a subsequent Preliminary Review or proceed with the application process for building permits and the project will be considered as if there had not been a Preliminary Review.

A Preliminary Review for new construction is valid for 2 years from the time that the Preservation Board grants Preliminary Approval.

A Preliminary Review for demolition is valid for 2 years from the time that the Preservation Board grants Preliminary Approval.

A Preliminary Review for an alteration or addition is valid for 1 year from the time that the Preservation Board grants Preliminary Approval.

Section V. Subsequent Preliminary Reviews

If approval is withheld for a preliminary review, a subsequent review shall not take place without the Director of the Cultural Resources Office's determination that the design of the project, or conditions framing the proposal, are sufficiently different from the original proposal that it merits reconsideration.

A new construction, alteration, or addition project will be scheduled for a second preliminary review of the design if the proposed work differs significantly from that presented at the initial Preliminary Review.

Only revised designs that meet the historic district standards shall be rescheduled for a Preliminary Review. If the design of the proposed work differs significantly from that presented for the Preliminary Review to the extent that the project no longer meets the historic district or landmark standards, and the applicant chooses not to comply with the standards, the Cultural Resources Office will not recommend the application for a building permit be approved. In these cases the applicant may appeal the denial to the Preservation Board.

Section VI. Limitations on the Scope

The Preliminary Approval of a design for new construction pertains only to the location or locations presented in the Preliminary Review.

A project considered for preliminary review may include one or more properties and proposals that are related geographically and are, in a sense, one project.

However, approval at the Preliminary Review stage does not afford approval for an applicant to build that design or designs at any other site. Each new construction project shall have a Preliminary Review that addresses a site and a design.

Appendix A

St. Louis City Ordinance 64689, as amended by City Ordinance 64925, Section 63, regarding the appeal of a demolition decision

SECTION SIXTY-THREE. Appeals.

Any applicant or current owner of a structure may appeal an initial decision of the Preservation Board or a decision of the Cultural Resources Office under Sections Fifty-Eight to Sixty-Two to the Preservation Board by filing a written notice of such appeal with the Cultural Resources Office within fifteen (15) days after the date of mailing of such decision by the Cultural Resources Office. The Cultural Resources Office shall immediately refer any application which is the subject of such an appeal, and the Cultural Resources Office's entire file thereon, to the Preservation Board for hearing and resolution, based on the criteria set out in Sections Fifty-Eight to Sixty-Two. Requests or applications to the Preservation Board for reconsideration of any such appeal shall not be permitted. The Preservation Board shall issue its provisional decision on applications appealed under this section by the sixtieth working day following receipt of the application by the Office under Section Fifty-Eight. Any such appeal shall be deemed and conducted as a contested case within the meaning of Chapter 536, RSMo., as amended, and shall be appealable and reviewable as in such chapter provided. The Cultural Resources Office is hereby authorized to appeal any decision of the Preservation Board. Request for review of any such decision of the Preservation Board may be made to the Planning Commission as provided in Sections Fifty and Fifty-Three hereof.

Appendix B

From City Ordinance 64832, which established Preservation Review Districts and added Subsequent New Construction to the Demolition Review Criteria:

F. Proposed Subsequent Construction. Notwithstanding the provisions of any ordinance to the contrary, the Office shall evaluate proposed subsequent construction on the site of proposed demolition based upon whether:

1. The applicant has demonstrated site control by ownership or an option contract;
2. The proposed construction would equal or exceed the contribution of the structure to the integrity of the existing streetscape and block face. Proposal for creation of vacant land by demolition(s) in question will be evaluated as to appropriateness on that particular site, within that specific block. Parking lots will be given favorable consideration when directly adjoining/abutting facilities require additional off-street parking;
3. The proposed construction will be architecturally compatible with the existing block face as to building setbacks, scale, articulation and rhythm, overall architectural character and general use of exterior materials or colors;
4. The proposed use complies with current zoning requirements;
5. The proposed new construction would commence within twelve (12) months from the application date.